

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS PO. Box 1459 Alexandra, Virginia 22313-1450 www.uspo.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,742	12/21/2000	Debra M. Eckert	0399.1192-008	8580
21005 7.	590 06/06/2003			
HAMILTON, BROOK, SMITH & REYNOLDS, P.C. 530 VIRGINIA ROAD P.O. BOX 9133			EXAMINER	
			CELSA, BENNETT M	
CONCORD, M	CONCORD, MA 01742-9133		ART UNIT	PAPER NUMBER
			1639 DATE MAILED: 06/06/2003	19

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner

Application No. 09/746,742 Applicant(s)

Bennett Celsa

Eckert et al.

Art Unit 1639

Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE	The MAILING DATE of this communication appears on the cover sheet with the correspondence address
THE MALING DATE OF THIS COMMUNICATION. - Extractions of the marp be switched used the previous of 37 CPR 1.196 (a). In no event, however, may a reguly be timely filed after SIX (8) MONTHS from the mailing date of this communication. - If NO period for regy is associated above, the maximum statutory period will apply and will again SIX (8) MONTHS from the mailing date of this communication. - If NO period for regy is associated above, the maximum statutory period will apply and will again SIX (8) MONTHS from the mailing date of this communication. - If NO period for regy is associated above, the maximum statutory period will apply and will again SIX (8) MONTHS from the mailing date of this communication. - If NO period for regy is associated above, the maximum statutory period will apply and will again SIX (8) MONTHS from the mailing date of the communication. - If NO period for regy is associated above, the maximum statutory period will apply and will apply SIX (8) MONTHS from the maximum statutory period will apply and will apply SIX (8) MONTHS from the maximum statutory period will apply and will apply SIX (8) MONTHS from the maximum statutory period will apply and will apply SIX (8) MONTHS from the maximum statutory period will apply and will apply so MONTHS from the maximum statutory period will apply and will apply SIX (8) MONTHS from the maximum statutory period will apply and will apply SIX (8) MONTHS from the maximum statutory period will apply so MONTHS from the maximum statutory period will apply SIX (8) MONTHS from the maximum statutory period will apply SIX (8) MONTHS from the maximum statutory period will apply SIX (8) MONTHS from the maximum statutory period will apply so MONTHS from the communication. - Six for the statutory	Period for Reply
nating date of the communication. If the period from typ aceptical debays is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If NO period for reply a specified above, the maximum statutory period will apply and a gapies SIX (8) MOINTES from the mailing date of this communication. The period from the office free the communication (s) filled on Mar 27, 2003 2a) □ This action is FINAL. 2b) ☑ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213. Disposition of Claims 4) ☑ Claim(s) 1-97 □ is/are pending in the application. 4a) Of the above, claim(s) 16-37 and 40-97 □ is/are allowed. 5) □ Claim(s) □ is/are allowed. 6) □ Claim(s) □ is/are allowed. 6) □ Claim(s) □ is/are rejected. 7) □ Claim(s) □ is/are rejected to Billowed and the proposed frawing correction is objected to by the Examiner. 10) □ The drawing(s) filled on □ is/are allowed. 11) □ The proposed drawing correction filled on □ is/are allowed. 12) □ The option army not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) □ The proposed drawing correction filled on □ is/are allowed. 12) □ The oath or declaration is objected to by the Examiner. 12) □ The oath or declaration is objected to by the Examiner. 13) □ All b) □ some* c) □ None of: 1. □ Certified copies of the priority documents have been received in Application No. 3. □ Copies of the certified copies of the priority documents have been received. 14) □ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). 14) □ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121.	THE MAILING DATE OF THIS COMMUNICATION.
If the priod for reply appellicial decive is lass their thirty (30) days, a page within the statutory relieval seglicy will be considered timely. If NO period for reply is appelled above, be meanima statutory period vall gains (St. (MOKTHS from the mealing date of this communication. Fallate to reply within the set or extracted prior for freely will, by started, cause the application to become ALRAHODNEO 135 U.S.C. 1133). Any reply reached by the Office level their between make fast the mealing date of the communication, even if strenky fleet, may reduce any search and patent term adjustment. See 97 CPT1.194b). Status 11) Responsive to communication(s) filled on Mar 27, 2003 2a)	
This action is FINAL. 2b This action is non-final. 3	 If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
2a This action is FINAL. 2b This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213. Disposition of Claims 4 Claim(s) 1-97	
3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11; 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-97 is/are pending in the application. 4a) Of the above, claim(s) 16-37 and 40-97 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 10) The drawing(s) filed on is/are allowed. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are allowed. 11) The proposed drawing correction filed on is/are allowed. 11) The proposed drawing correction filed on is/are allowed. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 2) Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) The translation of the foreign language provisional application has been received.	1) Responsive to communication(s) filed on Mar 27, 2003
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-97	2a) ☐ This action is FINAL . 2b) ☑ This action is non-final.
Aa) Of the above, claim(s) 1-97 is/are pending in the application. 4a) Of the above, claim(s) 16-37 and 40-97 is/are withdrawn from consideration. 5)	
day of the above, claim(s) 16-37 and 40-97 is/are withdrawn from consideration. is/are allowed. is/are rejected. is/are rejected. is/are rejected. is/are objected to. is/are objected to place objected to by the Examiner. is/are all accepted or bl objected to by the Examiner. Application Papers objected to by the Examiner. Application and or request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filled on is/are all approved objected to by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. § 119 and 120 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some* c) None of: Certified copies of the priority documents have been received in Application No. 2. Certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) The translation of the foreign language provisional application has been received. 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121. Attachment(s) Interview Summary (P10-413) Paper Neia. Interview Summary (P10-413) Paper Neia. Interview Summary (P10-413) Paper Neia. Interview Summary (P10-413) Paper Neia.	Disposition of Claims
Signate allowed. Signate allowed. Signate allowed. Signate rejected. Signate rejected. Signate objected to. Signate objected to by the Examiner. Signate objected to by the Examiner. Signate of the graving(s) filed on	4) X Claim(s) 1-97 is/are pending in the application.
6	4a) Of the above, claim(s) 16-37 and 40-97 is/are withdrawn from consideration.
Is/are objected to.	5) Claim(s) is/are allowed.
are subject to restriction and/or election requirement. Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) ☐ The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some* c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) ☐ The translation of the foreign language provisional application has been received. 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 11. ☐ Motice of References Cited (PTO-892) ☐ Historiew Summary (PTO-413) Paper Noisi	6) Claim(s) is/are rejected.
Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on	7) Claim(s) is/are objected to
9) The specification is objected to by the Examiner. 10) The drawing(s) filed on	8) 🗓 Claims 1-15, 38, and 39 are subject to restriction and/or election requirement
The drawing(s) filed onis/are a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some* c) None of: 1 Certified copies of the priority documents have been received. 2 Certified copies of the priority documents have been received in Application No 3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) The translation of the foreign language provisional application has been received. 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 11 Notice of References Cited (PTO-892)	Application Papers
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some* c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) The translation of the foreign language provisional application has been received. 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 11 Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(a)	9) The specification is objected to by the Examiner.
The proposed drawing correction filed on	10) The drawing(s) filed on is/are a) accepted or b) objected to by the Examiner.
If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some* c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) The translation of the foreign language provisional application has been received. 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 11 Notice of References Cited (PTO-892) 41 Interview Summary (PTO-413) Paper No(a).	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) □ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some* c) □ None of: 1. □ Certified copies of the priority documents have been received. 2. □ Certified copies of the priority documents have been received in Application No. 3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) □ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) □ The translation of the foreign language provisional application has been received. 15) □ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 11 □ Notice of References Cited (PTO-892) 41 □ Interview Summary (PTO-413) Paper No(s). □	11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examin
Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some* c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) The translation of the foreign language provisional application has been received. 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 11 Notice of References Cited (PTO-892) 41 Interview Summary (PTO-413) Paper No(a).	If approved, corrected drawings are required in reply to this Office action.
13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some* c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No. ☐ . 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) ☐ The translation of the foreign language provisional application has been received. 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § § 120 and/or 121. Attachment(s) 11 ☐ Notice of References Cited (PTO-892) ☐ Interview Summary (PTO-413) Paper No(s). ☐ .	12) The oath or declaration is objected to by the Examiner.
a) All b) Some* c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) The translation of the foreign language provisional application has been received. 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s).	Priority under 35 U.S.C. §§ 119 and 120
1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) The translation of the foreign language provisional application has been received. 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § § 120 and/or 121. Attachment(s) 1) Interview Summary (PTO-413) Paper No(s).	13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) The translation of the foreign language provisional application has been received. 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § \$ 120 and/or 121. Attachment(s) 1) Interview Summary (PTO-413) Paper No(a)	a) All b) Some* c) None of:
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) The translation of the foreign language provisional application has been received. 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § § 120 and/or 121. Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s).	1. Certified copies of the priority documents have been received.
application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) The translation of the foreign language provisional application has been received. 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § § 120 and/or 121. Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(a).	2. Certified copies of the priority documents have been received in Application No
14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) ☐ The translation of the foreign language provisional application has been received. 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § § 120 and/or 121. Attachment(s) 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s).	application from the International Bureau (PCT Rule 17.2(a)).
a) The translation of the foreign language provisional application has been received. 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(a).	
15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s).	
Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s).	
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s).	
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s).	2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152) 3) Information Disclosure Statement(s) (PTO-1449) Paper Nots). 6) Other:

Application/Control Number: 09/746, 742

Art Unit: 1639

DETAILED ACTION

Status of the Claims

Claims 1-97 are currently pending.

Claims 1-15, 38 and 39 are under consideration.

Claims 16-37 and 40-97 are withdrawn from consideration as being directed to a nonelected invention.

- 1. Applicant's election of Group I (claims 1-15, 38 and 39) in Paper No. 17 and sequence Id 4 is acknowledged.
- 2. Upon further search and consideration claims 1-15, 38 and 39 are further restricted in the following manner.

Election/Restriction

- 3. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-8, 10-15, 38 and 39, drawn to a fusion protein comprising a soluble trimeric form and a portion of HIV gp41, classified in class 435, subclass 69.7.
 - II. Claim 9, drawn to a D-peptides, classified in class 530 and class 930, various subclasses dependent upon the election of a distinct species..

Application/Control Number: 09/746, 742 Page 3

Art Unit: 1639

4. The inventions are distinct, each from the other because of the following reasons:

- 5. Compound Inventions I-II are patentably distinct inventions since they encompass peptide compounds which are structurally and/or functionally different (e.g. different amino acid sequences which are capable of separate manufacture and/or use (e.g. diagnostic assays, therapeutic treatments, screening assays). Additionally, each of the separate groups require different and separately burdensome manual and/or computer structure and/or bibliographic searches in patent and literature databases.
- 6. Because these inventions are distinct for the reasons given above and:
- a. have acquired a separate status in the art as shown by their different classification; and/or
- b. the search required for the different groups are different and require independent and separately burdensome manual/computer sequence, bibliographic and classification searches in patent and literature databases and/or
- c. have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Application/Control Number: 09/746, 742 Page 4

Art Unit: 1639

Species Election: Patentably Distinct Inventions (Groups I and II above)

7. This application contains claims directed to the following patentably distinct species of

the claimed invention:

a. Claim 1 (group I: "linking claim"): L/D peptide compound comprising:

A soluble, trimeric form of a coiled coil AND

A "sufficient portion of the N-peptide region of HIVgp41 ... to form the pocket of the N-

helix coiled-coil of HIV gp41"

OR

b. Claim 9 (group II), drawn to D-peptides selected from the group consisting of species (a)-(y');

Peptide compounds within each of the above groups are directed toward structurally

and/or functionally different peptides or chemical compounds which are capable of separate

manufacture and/or use; and which require different and separately burdensome burdensome

manual/computer sequence/bibliographic/classification searches. Additionally, these peptides

fail to comprise sufficient core structure to elicit a common activity, and additionally in view of

their scope; preclude a complete and meaningful search.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed peptidic or

chemical species (E.g. a single compound), even though this requirement is traversed.

Applicant is advised that a reply to this requirement must include an identification

of the species that is elected consonant with this requirement, and a listing of all claims

readable thereon, including any claims subsequently added. .

Application/Control Number: 09/746, 742 Page 5

Art Unit: 1639

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

General information regarding further correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Celsa whose telephone number is (703) 305-7556.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Wang (art unit 1639), can be reached at (703)306-3217.

Any inquiry of a general nature, or relating to the status of this application, should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Bennett Celsa (art unit 1639)

June 4, 2003

PRIMAY EXAMER